

Chapter 1 GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Charter Township of Georgetown, Michigan," and may be so cited. Such Code may also be cited as the "Georgetown Charter Township Code."

State law references: Codification authority, MCL 42.20.

Sec. 1-2. Definitions and rules of construction.

It is the legislative intent of the township board, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the township. In the construction of this Code and any amendment thereto, the following rules shall be observed, unless the context clearly indicates otherwise:

Code. The term "this Code" or "Code" shall mean the Code of Ordinances, Charter Township of Georgetown, Michigan, as designated in section 1-1.

Computation of time. The time within which an act is to be done, as provided in this Code, or in any order issued pursuant to this Code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of a Sunday or a legal holiday, from midnight to midnight, shall be excluded.

County. The term "the county" or "this county" shall mean the County of Ottawa in the State of Michigan.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations, units of government, trusts, estates, joint ventures and other legal entities, as well as to males.

MCL, MSA. The abbreviations "MCL" and "MSA" refer to the Michigan Compiled Laws and Michigan Statutes Annotated [now obsolete] respectively, as amended.

Month. The word "month" shall be construed to mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath, affirmation, sworn, affirmed. The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed."

Officer, department, or other agency. Whenever any officer, department or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the Charter Township of Georgetown, Michigan." Whenever, by the provisions of this Code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to such officer shall mean and include such officer or his deputy or authorized subordinate. Whenever in accordance with the provisions of this Code or any ordinance of the township, any specific act is required to be done by any designated officer or official of the township, such act may be performed by any township employee duly authorized to perform that act by such officer or official.

Or, and. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Person. The word "person" includes firms, joint ventures, partnerships, corporations, estates, trusts, units of government, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Shall/may. The word "shall" is mandatory and the word "may" is permissive.

State. The term "the state" or "this state" shall be construed to mean the State of Michigan.

Superintendent. The term "superintendent" shall mean the person appointed by the township board who is responsible to supervise and manage the operation of the township as per state law and as delegated by the township board.

Tense. Words used in the present or past tense include the future as well as the present and past.

Township. The word "township" shall mean the Charter Township of Georgetown in Ottawa County, Michigan.

Township board or board. The term "township board" or "board" shall mean the Township Board of Georgetown Charter Township, Michigan.

Week. The word "week" shall be construed to mean seven days.

Written, in writing. The words "written" or "in writing" may include any form of reproduction or expression of language.

Year. The word "year" shall be construed to mean a calendar year.

(Ord. No. 2009-03, 4-13-09)

Sec. 1-3. Section catchlines and other headings.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

Sec. 1-4. References and notes.

Cross references, state law references, editor's notes and history notes are by way of explanation only and should not be deemed a part of the text of any section.

Sec. 1-5. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance, when not inconsistent with this Code:

- (1) Promising or guaranteeing the payment of money for the township, or authorizing the issuance of any bonds of the township or any evidence of the township's indebtedness, or any contract or obligation assumed by the township.
- (2) Containing any administrative provisions of the township board.
- (3) Acquiring a specific water and sewer system.
- (4) Granting any right or franchise, including the cable television franchise.
- (5) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the township.

- (6) Making any appropriation.
- (7) Levying or imposing taxes.
- (8) Establishing or prescribing grades in the township.
- (9) Providing for local improvements and assessing taxes therefor.
- (10) Dedicating or accepting any plat or subdivision in the township.
- (11) Prescribing specific parking restrictions, no parking zones, specific speed zones, parking meter zones, and specific stop or yield intersections or other traffic ordinances pertaining to specific streets.
- (12) Pertaining to zoning (printed in a separate book).
- (13) Pertaining to flood damage prevention and protection.
- (14) Any other ordinance, or part thereof, which is not of a general and permanent nature.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the township clerk's office.

Sec. 1-6. Code does not affect prior offenses, acts, rights, penalties, forfeitures or contracts.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance in the township in effect on the date of adoption of this Code.

Sec. 1-7. Amendments to Code.

- (a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, Charter Township of Georgetown, Michigan (or Georgetown Charter Township Code), is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

- (b) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Charter Township of Georgetown, Michigan (or Georgetown Charter Township Code), is hereby amended by adding a section, to be numbered _____, which section reads as follows:" The new section shall then be set out in full as desired.

Sec. 1-8. Supplementation of Code.

- (a) By contract or by township personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the township board. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly in the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of this Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall

the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-9. Severability.

Should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the township board that this Code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

Sec. 1-10. Administrative liability.

No officer, agent, employee, or member of the township board shall render himself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his duties or responsibilities pursuant to this Code.

Sec. 1-11. General penalty for violation of Code; continuing violations.

- (a) Unless another penalty is expressly provided by this Code for any particular provision or section, every person who violates any provision of this Code, or any rule or regulation adopted or issued pursuant thereto, is responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C], and court costs in an amount of not less than \$50.00, nor more than \$500.00. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.
- (b) In addition to the penalties provided in subsection (a) of this section, the township may enjoin or abate any violation of this Code by appropriate action.
- (c) In addition to the penalties provided in subsections (a) and (b) of this section, the township may disapprove any permit or certificate application submitted by any person, corporation, property owner, or entity who has been determined to be in violation of any provision of the Code, for the reason that the violation issue has not been resolved in a satisfactory way with the township.

(Ord. No. 2000-03, 8-28-2000; Ord. No. 2002-04, 1-28-02)

Cross references: Municipal civil infractions, § 38-171 et seq.

State law references: Limitation on penalties, MCL 42.21.

Sec. 1-11.1. Appearance tickets authorization.

Unless prohibited by state law or specific provisions of this Code, the following officials are empowered to issue and serve appearance tickets for violations of this Code:

- (1) Township supervisor;
- (2) Township code administrator;
- (3) Township assistant code administrator;
- (4) County sheriff and all other deputy county sheriffs of the county;
- (5) Township fire chief;
- (6) Township zoning enforcer;
- (7) Township superintendent.

(Ord. No. 143, art. II, 3-25-85; Ord. of 9-27-93; Ord. No. 2009-03, 4-13-09)

Sec. 1-12. Adjustment of fees and charges.

All fees and charges imposed by any section of this Code shall be as prescribed by resolution of the township board adopted from time to time. Copies of such resolution shall be on file in the office of the township clerk.

Sec. 1-13. Altering Code.

It shall be unlawful for any person in the township to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of Georgetown Charter Township to be misrepresented thereby.